

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

CHIEF HEARING OFFICER DIRECTIVE

DOCKET NO. 2021-130-S ORDER NO. 2021-74-H

JUNE 7, 2021

CHIEF HEARING OFFICER: David Butler

DOCKET DESCRIPTION:

Joint Application for Approval of the Sale of Assets and Transfer of Facilities, Territory and Certificate of Public Convenience and Necessity from Synergy Utilities, L.P. to South Carolina Water Utilities, Incorporated

MATTER UNDER CONSIDERATION:

Petition to Intervene of City of Orangeburg

CHIEF HEARING OFFICER'S ACTION:

This matter comes before the Chief Hearing Officer on the Petition to Intervene of City of Orangeburg ("Petitioner" or "City of Orangeburg"). The Petition is timely filed, and no objections to the intervention have been filed.

After it has been determined that the Petition has been timely filed, the next question for the Commission is to determine whether or not the petitioning party has clear factual support or grounds for the proposed intervention. S.C. Regs. 103-825A(3) requires that a party making a Petition to Intervene in a matter pending before the SC Public Service Commission must:

set forth clearly and concisely:

- (a) The facts from which the nature of the petitioner's alleged right or interest can be determined;**
- (b) The grounds of the proposed intervention;**
- (c) The position of the petitioner in the proceeding.**

Orangeburg is a South Carolina municipality with a population of approximately 14,000. Through its enterprise function, the Orangeburg Department of Public Utilities ("DPU") provides water and wastewater services in Orangeburg and Calhoun Counties. Orangeburg DPU provides wastewater treatment services to Synergy Utilities, L.P. ("Synergy") pursuant to a Wholesale Wastewater Agreement approved by the Commission in various Dockets, including but not limited to Docket No. 2008-159-S. As a provider of wastewater collection and treatment services to Synergy, Orangeburg states that it has a direct and substantial interest in the matters to be addressed by the Commission in this Docket, and no other party to this Docket can adequately represent Orangeburg's interests in these proceedings. Additionally, the Application in this Docket posits that the "public interest is served by having utility ownership committed to operating the utility and

investing the necessary capital required for sustainable, efficient operation.” Because Orangeburg receives wastewater from Synergy, Orangeburg asserts that it is keenly interested in the potential investment of capital in the Synergy system connected to the system of the Orangeburg DPU.

Petitioner states that it has not yet developed a position in this Docket. However, Petitioner reserves the right to set forth its position more fully as necessary and appropriate as this proceeding moves forward.

From these facts, this Hearing Officer holds that City of Orangeburg has successfully satisfied the first two criteria for intervention stated in the Regulation. Orangeburg’s interest in this matter can clearly be discerned, as can the grounds for the intervention. Although Orangeburg notes that it has not yet developed a position in this Docket, the Petitioner reserves the right to set forth its position more fully as necessary and appropriate as the proceeding moves forward. The Commission has held in the past that the lack of a position is acceptable as long as there is no prejudice to other parties and there is no delay in the proceedings attributable to the lack of position by the party in question. In this case, no party is prejudiced by Orangeburg’s lack of a position at this time, and there will be no delay in the proceedings, due to the current lack of position stated by Orangeburg. Therefore, the Petitioner has also successfully addressed the third criterion in Regulation 103-825A(3).

Further, in this case, the Petition to Intervene was timely filed and there are no objections to the intervention. Accordingly, the Petition to Intervene of City of Orangeburg is hereby granted in this Docket. This completes the Chief Hearing Officer’s Directive.